

### **REMARKS**

The Examiner is thanked for the performance of a thorough search and for the telephonic interview conducted on January 23, 2008. Claims 1, 5, 6, 9, 10, 11, 15, 16, 19, and 20 have been amended. No claims have been added or canceled. No new matter has been added. Therefore, Claims 1-20 are pending in the application.

#### **I. EXAMINER INTERVIEW**

The Applicant thanks the Examiner for the Interview conducted on January 23, 2008. The interview was between Gary Mui and the applicant's attorney, Adam C. Stone. Pending Claims 1, 5, 6, 9, 10, 11, 15, 16, 19, and 20 that were rejected in the Office Action mailed November 23, 2007 were discussed along with U.S. Patent No. 6,697,325 issued to *Cain*. In particular, the discussion focused on the following: the rejection of the pending claims under *Cain* and the Applicant's proposed amendment to the pending claims. Agreement was reached that the pending claims are patentable over *Cain* for the reasons given below in section III. The Applicant is providing herein the amendment that was proposed during the interview.

#### **II. CLAIM REJECTIONS – 35 U.S.C. § 101**

Claims 9 and 10 stand rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. Specifically, the Office Action contends that because Claims 9 and 10 recite "instructions" instead of "computer executable instructions" that the claimed invention cannot be carried out. The rejection is respectfully traversed.

Claims 9 and 10 recite "which instructions, **when executed by one or more processors**, cause the one or more processors to perform" the steps recited in Claims 9 and 10 respectively. Therefore, contrary to the Office Action's assertion, the claimed invention may be carried out when the instructions are executed by one or more processors. Applicants respectfully assert that

no amendment to the pending claims is necessary to comply with the requirements of 35 U.S.C. § 101. However, solely for the purpose of expediting prosecution, Claims 9 and 10 have been amended to recite “computer executable instructions”. Therefore, removal of the rejection is respectfully requested.

III. CLAIMS REJECTIONS – 35 U.S.C. § 102(e)/35 U.S.C. § 103(a)

Claims 1-4, 9, 11-14, and 19 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by *Cain*.

Claims 5-8, 10, 15-18, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Cain* in view of *Beshai* (U.S. Pat. No. 6,944,131).

The rejections are respectfully traversed.

The pending claims recite, in part:

**receiving information defining one or more shared risk link groups to which the failed link belongs, each of the one or more shared risk link groups logically comprising two or more links, one of the two or more links being the failed link, and each link in a shared risk link group sharing a physical resource whose failure risks affecting all of the links in the shared risk link group;**

The Office Action contends that the LSA protocol message of *Cain* that identifies a failed communication link is the claimed “information defining one or more shared risk link groups to which the failed link belongs”. Office Action, page 3, 5. However, the LSA protocol message of *Cain* defines only a single failed communication link. In contrast, the pending independent claims feature “receiving information defining one or more shared risk link groups to which the failed link belongs, each of the one or more shared risk link groups logically comprising two or more links, one of the two or more links being the failed link, and each link in a shared risk link group sharing a physical resource whose failure risks affecting all of the links in the shared risk

link group”. Therefore, *Cain* fails to teach or suggest at least one limitation of the pending claims.

*Behsai* does not overcome the deficiencies of *Cain*. The Office Action relies on *Behsai* solely to teach “using link-*state*-change information to update routes where the link-*state* change information can be an addition of a new node”. Office Action, page 5-6. Therefore, the combination of *Cain* and *Behasi* fails to teach or suggest “receiving information defining one or more shared risk link groups to which the failed link belongs, each of the one or more shared risk link groups logically comprising two or more links, one of the two or more links being the failed link, and each link in a shared risk link group sharing a physical resource whose failure risks affecting all of the links in the shared risk link group”.

Consequently, for at least the foregoing reasons, the pending claims are patentable over the combination of *Cain* and *Behasi*. Withdrawal of the rejections is respectfully requested.

#### IV. CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

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Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

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